

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

GILBERTO VERDUGO GUTIERREZ,

Defendant.

Case No. 08-1173M

ORDER OF DETENTION

**[Fed. R. Crim. P. 32.1(a)(6);
18 U.S.C. § 3143(a)]**

The defendant, having been arrested in this District pursuant to a warrant issued by the United States District Court for the Central District of California for alleged violation(s) of the terms and conditions of his pretrial release and the court, having conducted a detention hearing pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a), finds that:

- A. ☒ The defendant has not met his/her burden of establishing by clear and convincing evidence that he/she is not likely to flee if released under 18 U.S.C. § 3142(b) or (c). This finding is based on: (1) his lack of sufficient bail resources; and (2) he committed the alleged offense while on pretrial release.
- and/or
- B. ☐ The defendant has not met his/her burden of establishing by clear and convincing evidence that he/she is not likely to pose a danger to the safety of any other person or the

1 community if released under 18 U.S.C. § 3142(b) or (c). This finding is based
2 on: _____
3 _____


4 IT IS THEREFORE ORDERED, without prejudice, that defendant be detained prior to trial.

5 IT IS FURTHER ORDERED that defendant be committed to the custody of the Attorney
6 General for confinement in a corrections facility separate, to the extent practicable, from persons
7 awaiting or serving sentences or being held in custody pending appeal.

8 IT IS FURTHER ORDERED that defendant be afforded a reasonable opportunity for
9 private consultation with counsel.

10 IT IS FURTHER ORDERED that, on order of a Court of the United States or on request
11 of any attorney for the Government, the person in charge of the corrections facility in which
12 defendant is confined shall deliver defendant to a United States marshal for the purpose of an
13 appearance in connection with a court proceeding.

14 Dated: May 16, 2008.

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18 Fernando M. Olguin
19 United States Magistrate Judge
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